



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/687,951

10/17/2003

Derek Collison

TIB-015

9839

23562 7590 12/10/2010

BAKER & MCKENZIE LLP

PATENT DEPARTMENT

2001 ROSS AVENUE

SUITE 2300

DALLAS, TX 75201

EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2448

NOTIFICATION DATE

DELIVERY MODE

12/10/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@bakermckenzie.com

### Office Action Summary

**Application No.**

10/687,951

**Applicant(s)**

COLLISON, DEREK

**Examiner**

AARON STRANGE

**Art Unit**

2448

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26,28-43,46,47,49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26,28-43,46,47,49 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/16/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the rejection(s) of claim(s) 36-42 and 46 under 35 U.S.C. §101 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection under a different rationale has been set forth below.

3. Applicant's remaining arguments with respect to claims 26, 36, 47 and their respective dependents have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 36-43 and 46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Claims 36-43 and 46 are directed to a "machine readable medium". The specification fails to limit the term "machine-readable medium" to non-transitory mediums. Therefore, the broadest reasonable interpretation of the term "machine-readable medium" includes transitory signals, which are non-statutory. Since the claims are not limited to statutory subject matter, they are non-statutory. The Examiner recommends amending the claim to specifically recite a "non-transitory machine-readable medium".

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 26, 28, 31-43, 46, 47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (US 2003/0115366) in view of BEA ("WebLogic Server and WebLogic Express Administration Guide").

9. In regards to claims 26, 36, and 47 Robinson discloses, a method, a tangible, machine-readable medium embodying a sequence of instructions, and a system of communicating a message in a computer network, comprising:

receiving the message from a sender application (fig. 1 #31), the sender application associated with a first messaging paradigm (§0019 line(s) 2-8, teach using an user application to create the messaging paradigm (Queuing) connection factory to start a messaging session);

processing the message according to the first messaging paradigm (fig. 2 #208-212, §0029 line(s) 1-8, teach using the queuing messaging method as a messaging paradigm), wherein the processing the message according to the first messaging paradigm comprises routing the message to at least one original destination (messages are sent to queue configured to handle the message data)(§29); and

processing the message according to a second messaging paradigm (fig. 2 #214-218, §0031, teach using the publish-and-subscribe method as a messaging paradigm).

Robinson does not teach the processing, on a parallel path, the message according to the second messaging paradigm comprises routing the message to at least one bridged destination associated with the at least one original destination via a bridge that automatically routes the message to the first of the at least one bridged destinations.

BEA discloses a similar system forwarding messages between users (p. 10-2). BEA teaches using a bridge that permits processing a message, on a parallel path, in a second message paradigm that is also processed in a first messaging paradigm (a messaging bridge may be used to bridge messages between topics and queues)(p. 10-2). This would have been an advantageous addition to the system disclosed by Robinson since it would have allowed messages to be sent to a topic and a queue in a single operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with BEA's teaching as discussed above to permit messages to be sent to both topics and queues in a single operation.

10. With regard to claims 28 and 49, BEA further discloses that the bridge is a software bridge (bridge is a part of the system administration tools of the WebLogic server)(p. 1-28).

11. In regards to claim 31, BEA further discloses that the bridge selects the message from the plurality of messages (messages sent to a destination are received and processed by the bridge, and may be filtered as desired)(p. 10-2 and 10-12).

12. In regards to claim 32, BEA further discloses that processing the message according to the second messaging paradigm further comprises determining that the

first bridged destination is permitted to receive the message (messages may be filtered according to selection criteria)(p. 10-12).

13. With regard to claim 33, BEA further discloses that a configuration file comprises the software bridge (each bridge is an instance of MessagingBridge storing various attributes) (p. 10-11 to 10-16).

14. In regards to claim 34, BEA further discloses that an administrator console comprises the software bridge (p. 1-28).

15. In regards to claim 35, Robinson discloses that the first messaging paradigm and the second messaging paradigm utilize Java messaging (§0014 line(s) 16-20).

16. In regards to claim 37 Robinson discloses that the first messaging paradigm comprises a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, §0015 line(s) 9-12, §0020), the sender application comprises a publishing application (fig. 1 #30), the message is associated with a topic (§0020), and the processing the message according to the first messaging paradigm comprises routing the message to a publish module (§0009 line(s) 3-6, §0015 line(s) 25-26, §0016 line(s) 3-6).

17. In regards to claim 38 Robinson discloses that the processing the message according to the first messaging paradigm further comprises delivering the message to

a number of subscriber applications that are registered to receive messages associated with the topic (§0016 line(s) 3-6, §0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message and the message is directed to all the clients that have subscribed to that topic.).

18. In regards to claim 39 Robinson discloses that the number of subscriber applications is zero (§0016 line(s) 3-6, §0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message, the message is directed to all the clients that have subscribed to that topic, when there are no subscribers no clients receive the message the delivery is aborted, i.e. there are zero subscribers.).

19. In regards to claim 40 Robinson discloses that the second messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206).

20. In regards to claim 41 Robinson discloses that the first messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206, teach a queuing messaging paradigm. It is inherent that in this system that the order of messaging paradigms is irrelevant, either order produces the same results.) and the processing the message according to the first messaging paradigm comprises routing the message to a queue module (fig. 2 #214-218, §0019 line(s) 8-14, §0031).



21. In regards to claim 42 Robinson discloses that the processing the message according to the first messaging paradigm further comprises delivering the message to a queue consumer (§§0016 line(s) 3-6, §§0031).

22. In regards to claim 43 Robinson discloses that the second messaging paradigm is a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, §§0015 line(s) 9-12, §§0020, teach a publish-subscribe messaging paradigm. It is inherent that in this system that the order of messaging paradigms is irrelevant, either order produces the same results.).

23. In regards to claim 46 BEA further discloses aborting delivery of the message unless the at least the one original destination and the at least one bridged destination are configured to receive the message (messages not accepted by the filter are dropped or queued, but not delivered)(p. 10-12).

24. In regards to claim 50 Robinson discloses that the first messaging paradigm comprises a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, §§0015 line(s) 9-12, §§0020), and the second messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206, §§0031).

25. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (US 2003/0115366) in view of BEA ("WebLogic Server and WebLogic Express Administration Guide") further in view of Todd (US 6,510,429).

26. With regard to claims 29 and 30, while the system disclosed by Robinson and BEA shows substantial features of the claimed invention (discussed above), it fails to disclose bridging between a plurality of original destinations and a single bridged destination or bridging between a single original destination and a plurality of bridged destinations.

Todd discloses a similar system for bridging messages between a source and destination (Abstract). Todd teaches bridging between one or more publishers and one or more subscribers via a single queue manager (fig. 1; col. 5, ll. 55-56). This would have been an advantageous addition to the system disclosed by Robinson and BEA since it would have allowed the messaging bridges to be configured to consolidate distribution of messages (such as storing a copy of each message sent to a plurality of locations in a central storage location) or expand distribution (permitting a publisher to send a single message to a single location and have it forwarded to multiple destinations without using the resources of the publisher).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to permit use of bridges between one original destination and a plurality of bridged destinations or between a plurality of original destinations and a single bridged destination.

***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448